

United States District Court
Eastern District of Michigan
Southern Division

Emily E. Bajorek-Delater,

Plaintiff,

Civil No. 17-10570

v.

Honorable Avern Cohn
Mag. Judge Stephanie Dawkins Davis

**United States of America, Center
for Family Health, Promita
Roychoudhury, M.D., and Dorothy
Brown, D.O.,** Jointly and Severally,

Defendants.

**Stipulated Order of Dismissal of Defendants Center for Family
Health and Promita Roychoudhury, M.D.**

Plaintiff Emily Bajorek-Delater and defendants Promita Roychoudhury, M.D., and the Center for Family Health, by and through their undersigned attorneys, stipulate to the entry of an order dismissing all claims against defendants Promita Roychoudhury, M.D., and the Center for Family Health in this case pursuant to a verification by the Secretary of Health and Human Services that the Center for Family Health and Promita Roychoudhury, M.D., were deemed federal agents during the relevant time period under a grant issued by the U.S. Department of Health and Human Resources, Health Resources Services Administration and, thus, any claims based on the

conduct of the Center for Family Health and/or Promita Roychoudhury, M.D., must be asserted through the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), and the exclusive defendant in such actions is the United States. *See* 28 U.S.C. § 2679; 42 U.S.C. § 233(a), (g). Each party shall bear their own costs and attorney fees.

McKeen & Associates, P.C.

/s/ Kenneth Lee (w/ consent)

Kenneth D. Lee

Penobscot Bldg.

645 Griswold, Ste. 4200

Detroit, MI 48226

(313) 961-4400

klee@mckeenassociates.com

Attorneys for Plaintiff

Dated: June 23, 2017

Daniel L. Lemisch

Acting United States Attorney

/s/ Zak Toomey

Zak Toomey (MO61618)

Assistant United States Attorney

211 W. Fort Street, Suite 2001

Detroit, Michigan 48226

(313) 226-9617

zak.toomey@usdoj.gov

Attorneys for United States

Dated: June 23, 2017

It is so ordered.

s/Avern Cohn

Avern Cohn

United States District Judge